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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/869,816

07/03/2001

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SONYJP 3.3-731

1346

530 7590 12/04/2009
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EXAMINER

BAUM, RONALD

ART UNIT

PAPER NUMBER

2439

MAIL DATE

DELIVERY MODE

12/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/869,816	Applicant(s) INOKUCHI ET AL.	
	Examiner RONALD BAUM	Art Unit 2439	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 November 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-11, 49-63, 87-92 and 94-96.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Edan Orgad/
 Supervisory Patent Examiner, Art Unit 2439

Continuation of 11. does NOT place the application in condition for allowance because: As per applicant's argument concerning the lack of teaching by Daggar of reproduction of audio or video data, and the storage of reproduction occurrences and the amount of time associated with the reproduction(s), the examiner has fully considered in this response to the request for consideration; the arguments, and finds them not to be persuasive.

As per the applicant's argument for claim 1, the argument responses are as follows:

col. 11, lines 22-28 - When used as an ATM associated embodiment, the voice recognition clearly requires the recognition and prior/subsequent response in audio (i.e., bidirectional audio 'content'). Also, at the very least, the touch based interaction requires an image to compare the scanned touch information (e.g., fingerprint) to (stored previously) a standard of comparison. The associated image, as broadly interpreted by the examiner, correspond to the claimed video content inasmuch as an image is an elemental frame component of a series of frames that constitute a video information content. Further, at some point the image/content was changed (e.g., initially setup, or changed during an update procedure), thereby constituting an image, followed by another subsequent image -effectively a multiple frame image- , which is equivalent to a video (i.e., multi image content).

col. 13, lines 65-col. 14, line 7 - When the card owner signature, photo, etc., is included on the generic multimedia card to distinguish the said owner, the image/image updating aspect that associates multiple image/image frames as corresponding to the claimed video, as described above, would apply to the rejection.

col. 8, lines 31-43 - In the scenario where the renewing of the digital card via a phone line communications channel (i.e., an audio information channel), in at least the case of a passport and drivers license (i.e., the owner image associated with thereof), multiple image/image frames are involved in editing the image content, again as corresponding to the claimed video, as described above, would apply to the rejection.

col. 7, lines 32-col. 8, line 30 - The 'generate multimedia card ... holding multiple digital cards ...' as applied to the passport application, is such that when a passport is used when crossing the boarder between 2 national entities, a passport image (i.e., image associated with the 'stamp' normally used to update the passport) is updated/'stamped' onto the passport, thereby again as corresponding to the claimed video, as described above, would apply to the rejection.

col. 20, lines 11-19 - The '... payment displayed and communicated verbally ...' in an ATM or KIOSK terminal application, insofar as such interaction represents content of an audio and image interaction (i.e., again as corresponding to the claimed video, as described above).

Therefore, the claim language does not qualify the content type (merely claiming content as audio or video per se) aspect in a sufficiently explicit manor, such that the rejection support references collectively encompass the said claim limitations in their entirety. The examiner declines to reopen prosecution. Thus, any such claims submitted formally after final rejection would not be entered..